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ABSTRACT

This paper outlines developments in the segregation of Hispanics in public schools. It begins with a review of Gary Orfield's study, "Desegregation of Black and Hispanic Students from 1968 to 1980." Orfield determined that during the last decade Hispanics have been increasingly segregated in public schools, and are currently even more segregated than black students; this trend is expected to continue as a result of increases in the number of Hispanic youth and a lack of enforcement of Federal desegregation laws, as they affect Hispanics. The paper also includes information on the current status of the Emergency School Aid Act (ESAA), the most often used source of funds to assist school districts which were implementing desegreation plans. Because of ESAA's recent consolidation with many other education programs in block grants to the States, the money available for desegregation has been drastically reduced. And finally, the paper summarizes Congressional hearings focusing on both the Orfield study and the Education Block Grant. (Author/KH)

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ISSUE BRIEF

Number:

Date: September 22, 1982

Title: Developments in School Segregation of Hispanics

Contact: Lori S. Orum and Janet Schroyer-Portillo

This Issue Brief outlines recent developments in the segregation of Hispanics in this nation's public schools. A recent study conducted by Gary Orfield of the University of Chicago is reviewed. The study determined that during the last decade Hispanics have been increasingly segregated in public schools, and are currently even more segregated than Black students. This trend is expected to continue in the future, as a result of increases in the number of Hispanic youth and a lack of enforcement of federal desegregation laws, as they affect Hispanics.

The paper also includes information on the current status of the Emergency School Aid Act (ESAA), which was the most often used source of funds to assist school districts which were implementing desegregation plans. This program has recently been consolidated with many other education programs and block granted to the states, resulting in drastic reductions in the amount of monies available for desegregation efforts.

Recent Congressional hearings, focusing on both the Orfield study and the Education Block Grant, are also summarized in this Issue Brief.

We urge members of the NCLR network to become informed about this issue as it affects your state and community.

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DEVELOPMENTS IN SCHOOL SEGREGATION OF HISPANICS

Introduction

A recent study shows that the public schools attended by Hispanics are growing increasingly segregated, and that the prospects for reducing the rate of Hispanic segregation in the near term are poor. The study, entitled "Desegregation of Black and Hispanic Students from 1968 to 1980," was prepared by Gary Orfield of the University of Chicago at the request of the House Subcommittee on Civil and Constitutional Rights. It shows that while federal judicial and financial intervention was successful in reducing the rate of segregation for Black students in every part of the country except the Northeast during the 1970s, Hispanic segregation increased during that period.

Factors Contributing to Segregation of Hispanics

Orfield attributes the growing segregation of Hispanic students to two factors. First, until recently, Hispanics made up a relatively small proportion of the public school population. In 1970, about five percent of all public school students were Hispanic; however, by 1980, this had increased to more than eight percent. Hispanics are in fact the fastest growing population group in the United States, primarily as a result of their youthfulness and high birthrate, in comparison to other population groups, but also because of immigration. This growth will result in a continual increase in the number of school-aged Hispanics, at a time of decreasing enrollments for other population groups. The study found that as the number of Hispanics in public schools has grown, the degree of separation between Whites and Hispanics has increased. The typical Hispanic stu-

dent was found to attend a school that was more segregated than that of the typical Black student.

A second cause of increasing Hispanic segregation is that there has been little effort made to enforce existing laws governing school desegregation as it applies to Hispanics. A 1973 Supreme Court ruling (Denver v. Keyes) requires schools to desegregate Hispanics, as well as Blacks, when developing and implementing a desegregation plan. However, this ruling has rarely been enforced, and very few cases have been brought on behalf of Hispanic students who attend segregated schools.

Impact of the Education Block Grant

In addition to past failures in enforcing federal desegregation mandates, recent Congressional action has also limited the amount of federal funds available to school districts implementing desegregation plans. The federal categorical program which was most often used to assist local school districts in desegregation efforts, the Emergency School Aid Act (ESAA), was included in a recent block grant consolidation, along with 27 other education programs. Prior to the enactment of the education block grant, local school districts were eligible to receive ESAA funding directly from the federal government to fund new and innovative approaches in, and to help offset the costs of, school desegregation. ESAA money was frequently described as a "carrot for compliance," requiring districts to meet strict civil rights standards as a condition for funding. Under the new Chapter 2 Education Block Grant, monies for desegregation efforts have been pooled with funds for other consolidated programs, and states may determine allocation and distribution formulas. Federal requirements simply call upon State Education Agencies (SEAs) to distribute funds according to school enrollments, with adjustments made for districts with significant

numbers of students "whose education imposes a higher than average cost." These state plans are then approved by the Department of Education. Almost all the state plans submitted for Fiscal Year 1983 have failed to take into account that children in desegregating districts are in fact "high cost" students and that larger school districts which are under court desegregation orders have special monetary needs. Few of these plans include special set-asides, from the state administrative budget, for school districts under desegregation orders. Several of the cities which are currently implementing school desegregation orders have been allocated substantially less federal funds under the block grant than they had previously received under the categorical programs. Some cities have suffered reductions of over 85%, virtually eliminating their ability to comply with desegregation orders. (See attached New York Times article and Education Daily chart for specific information.)

Civil Rights Implications

The U.S. Commission on Civil Rights has charged that states, in allocating the block grant monies, have failed to uphold their legislative requirement to help those school districts with the greatest needs. In a recent letter to Secretary of Education Terrel Bell, the Commission stated that, "The [state distribution] formulas apparently will drain funds from inner city schools where minority students are concentrated, and will drastically reduce support for voluntary desegregation efforts." The Commission letter (a copy of which is attached) calls on the Reagan Administration to take action to ensure that state block grant funds are more equitably distributed. The Administration has been reluctant to intervene in this matter, stating that the block grant legislation, the Education Consolidation and Improvement Act of 1981 (ECIA), is not covered by "cross-cutting" civil rights require-

ments which would mandate a greater emphasis on supporting desegregation efforts, a position that is strongly disputed by the Civil Rights Commission.

Recent Congressional testimony before the House Subcommittee on Civil and Constitutional Rights has also reflected these same concerns. Eugene Reville, Superintendent of Schools in Buffalo, New York, stated that "the withdrawal of funding commitment will result in the decimation of [desegregation] programs and their concomitant benefit to students." Perry Davis, with the New York City school system, predicted "an increase in the number of racially isolated Black and Hispanic schools, schools with no White students in them." With regard to the block grant, Gary Orfield, author of the study, testified that when "state after state has been found guilty of segregation...to give them funds with no strings attached, to believe suddenly they're going to find courage...is naive."

Thus, while demographic trends assure that Hispanics will make up an increasingly large proportion of public school students in the future, federal support for efforts to reduce the isolation of Black and Hispanic students is decreasing. Since previous desegregation efforts have not been successful for Hispanic students, the reduction in federal support for these efforts, at a time when the Hispanic student population is growing rapidly, "spells educational disaster for Latinos," according to the Mexican American Legal Defense and Education Fund (MALDEF). A recent MALDEF press release (attached) goes on to state that "MALDEF studies and experience show that school segregation of Hispanics consistently means lower educational standards, less school funding and general neglect."

Action Needed

The National Council of La Raza urges interested individuals to determine how their own state has allocated Chapter 2 Education Block Grant funds,

by contacting their State Education Agency. If states have failed to include the need for school desegregation in their funding formulas, then individuals should express their concerns and suggest possible changes in the development of fund allocation formulas. Concerned individuals might also want to write to Secretary of Education Terrel Bell regarding the status of Hispanic school desegregation, relating personal experiences under such systems, and offering suggestions for dealing with them. The House Subcommittee on Civil and Constitutional Rights would also appreciate comments; these should be addressed to Ms. Ivy Davis, Legal Counsel with the Subcommittee.

For copies of the complete Orfield study, or for further information on this subject, contact your local Congressperson or the National Council of La Raza.